

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRUD ROSSMANN, ESQUIRE,

Plaintiff,

-against-

MEMORANDUM & ORDER
18-CV-3578 (JS) (GRB)

**FILED
CLERK**

12/14/2018 2:09 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

MIRIAM SEWELL, Case Manager,
Rehabilitation Services Agency;
DETECTIVE WILLIAM LYKE, Metropolitan
Police Department; MURIEL BOWSER,
Mayor, District of Columbia; SERGEY
IVANOV, SUSAN BELL, RON PEELE,
PATRICIA HENRICKS, SHELLY BROWN,
SCOTT DONALDSON, MARK GEMBICKI,
JOHN CLARK, U.S. MARSHAL, Acting
Director, D.C. Field Office; JOHN
DOES 1-2,

Defendants.

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APPEARANCES

For Plaintiff: Brud Rossmann, pro se
452 Bell Street
West Hempstead, NY 11552

For Defendants: No appearances.

SEYBERT, District Judge:

On June 15, 2018, pro se plaintiff Brud Rossmann ("Plaintiff") filed a Complaint in this Court together with an application to proceed in forma pauperis. For the reasons that follow, the application to proceed in forma pauperis is DENIED WITHOUT PREJUDICE AND WITH LEAVE TO RENEW UPON COMPLETION OF THE AO 239 IN FORMA PAUPERIS APPLICATION FORM. Alternatively,

Plaintiff may remit the \$400.00 filing fee.

To qualify for in forma pauperis status, the Supreme Court has long held that "an affidavit is sufficient which states that one cannot because of his poverty pay or give security for the costs [inherent in litigation] and still be able to provide himself and dependents with the necessities of life." Adkins v. E.I. Du Pont De Nemours & Co., 335 U.S. 331, 339, 69 S. Ct. 85, 89, 93 L. Ed. 43 (1948) (internal quotation marks and citations omitted). Plaintiff's application does not include sufficient information for the Court to make such finding. Although Plaintiff alleges that he is unemployed, has no assets or cash or money in a savings or checking account, and receives only \$780.00 per month in government benefits, he reports regular monthly expenses in excess of \$1,500. (See In Forma Pauperis Application, Docket Entry 2, ¶¶ 2-6.) In addition, Plaintiff reports additional debts totaling \$40,000. (Id. ¶ 8.) Thus, the Court is unable to conclude, based on the present application, that Plaintiff is qualified to proceed in forma pauperis.

Accordingly, Plaintiff's application is DENIED WITHOUT PREJUDICE TO A RENEWAL THEREOF UPON COMPLETION OF THE AO 239 IN FORMA PAUPERIS APPLICATION FORM ANNEXED TO THIS ORDER. Under the circumstances, Plaintiff can best set forth his current financial

position on the long form in forma pauperis application (AO 239). Plaintiff is directed to either remit the \$400.00 filing fee or to complete and return the long form in forma pauperis application (AO 239) within fourteen (14) days from the date of this Order. Plaintiff is cautioned that failure to timely comply with this Order will lead to the dismissal of the Complaint without prejudice and judgment will enter.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is further directed to mail a copy of this Memorandum and Order together with Form AO 239 to the pro se Plaintiff.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: December 14, 2018
Central Islip, New York